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May 10, 2024

Hon. Edward S. Kiel, U.S.D.J.
United States District Court, District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

Re: Short v. New Jersey Dept. of Education, et als.
Civil Action No. 1:23-cv-21105-ESK-EAP

Dear Judge Kiel:

I represent defendant, Cherry Hill Board of Education in the above matter. I write regarding Your Honor's text order of May 9, 2024 which administratively terminated both Cherry Hill Defendant's and Cranford Defendant's motions to dismiss as post-dating the filing of their answers.

Previously, when this matter was assigned to Judge Kirsch, the case was the subject of an organizational teleconference with Magistrate Judge Arpert on January 22, 2024. In that conference, the parties discussed the jurisdictional issue of plaintiffs' alleged standing and whether the amended complaint stated a cognizable claim and agreed these threshold dispositive issues needed to be resolved. In furtherance of that conference, counsel for the Cranford Defendants wrote to Judge Kirsch on January 24, 2024 on behalf of both Cherry Hill and Cranford and jointly requested permission to file their own dispositive motions. A proposed briefing schedule was submitted.

Judge Kirsch granted leave to file these motions by order on February 7, 2024. ECF No. 35. Accordingly, as leave was expressly granted by the Court for the filing of the motions, and that the issue of standing raised is jurisdictional and echos the standing arguments presented by the State defendants' pending motion, I respectfully request that the motions be reinstated or leave granted to refile the same.

Respectfully yours,

/s/ Jeffrey L. Shanaberger

Jeffrey L. Shanaberger

JLS/pm

cc: Thomas Stavola, Jr., Esq.
Eric L. Harrison, Esq.
Matthew Jon Lynch, Asst. Chief, DAG
Karyn I. White, Esq.